

REMARKS

Claims 1-20 were originally presented in the present application, and claims 1-20 remain pending. Independent claims 1, 19 and 20 have been amended.

In the office action of August 4, 2003, the following actions were taken:

- (1) Claims 1-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Haigh et al (U.S. Patent No. 3,999,653, hereinafter “Haigh”); and
- (2) Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hacikyan (U.S. Patent No. 6,530,472, hereinafter “Hacikyan”).

Rejection Under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-20 under 35 U.S.C. 102(b) as being anticipated by Haigh. It is Applicants’ assertion that Haigh fails to teach each and every element of the claim language.

Haigh teaches a package 10 for containing a hazardous liquid disposed in a bottle 11. The package includes an inner casing (identified by the Examiner as glass bottle body 12) and an outer casing (identified by the Examiner as jacket 17 and/or jacket 26 and/or packaging 72, 73, 75 and 76). The Examiner stated that, in the embodiment of FIG. 1, the “inner casing is considered to be less durable than the outer casing since the inner casing broke when impacted by the hammer while the outer casing was intact.”

However, in Haigh, the invention is drawn toward a package 10 that includes a first jacket 16 that is surrounded by a second jacket 17. A hazardous liquid container 11 can be disposed within the first jacket to protect the container from impact. As discussed in Col. 3, lines 57-58, the glass container is generally placed inside the first jacket and the jacket is rolled about the glass container. Thus, the glass container, which contains the liquid, is clearly independent of the package 10 in which the glass container is placed.

Conversely, the present invention as claimed in claims 1, 19 and 20 requires a durable outer casing about an inner casing that is configured to be in direct contact with a material being contained. Additionally, between the outer and inner casings is a preventative layer. More importantly, claims 1, 19 and 20 require that the inner and outer casings be coupled so as to form an integrated device that can receive the material, e.g., a liquid or liquid dispersion, for containment. The container of the present invention can thus be used to contain a material and protect against adverse exposure to the material without requiring additional materials or packaging. In contrast, the container 11 of the Haigh device requires the additional wrapping of inner 16 and outer 17 jackets to protect the container against adverse exposure. Further, Haigh does not teach an integrated container device having at least three layers.

For these reasons, the Examiner is respectfully requested to withdraw the rejections under this section and allow the claims accordingly.

Rejection Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-20 under 35 U.S.C. 103(a) as being unpatentable over Hacikyan. It is Applicants' assertion that it would not be obvious in light of Hacikyan to provide a container in which inner and outer casings are disposed about a preventative layer, with the inner casing configured to be in direct contact with a material to be contained, and with the inner and outer casings being integrally coupled to each other to provide an integral container.

Similar to Haigh, Hacikyan teaches a safety container for shipping or storing vials containing hazardous materials. A vial 108 contains the material and is stored within an outer container 100 that includes a fluid soluble liner 112 that covers a lining 100 protected by an outer, impermeable wall 102. The outer container 100 is adapted to ship or store the vial 8,

as discussed in Col. 3, lines 28-29. Thus, as in Haigh, the Hacikyan device is a protective vessel adapted to receive a container of hazardous material, not an integral container.

In contrast, the container as claimed in the present application requires at least three layers: an outer casing; an inner casing configured to be in direct contact with the material being contained; and a preventative agent disposed between the outer and inner casing. The outer casing and the inner casing are integrally coupled together with the preventative agent disposed therebetween. Thus, the present container provides an integral storage container that protects against adverse exposure to a material stored therein. Though not prohibited, the present invention, as claimed, requires no additional jacketing or outer container to protect the contained material.

In addition to the above arguments, both the Haigh and Hacikyan references each teach away from the invention as claimed in that each of these references teach adapting protective vessels to receive and store a container to prevent adverse exposure to material contained in the container. The material containers taught by Haigh and Hacikyan are known containers such as a glass or plastic vials. In contrast, the present invention as claimed advantageously provides an integral container in which a material can be contained and protected from adverse exposure. The present invention as claimed does not require a separate protective vessel, as the container itself provides the protection from adverse exposure.

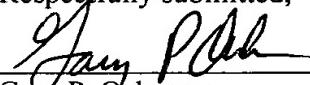
Further, if the protective members of the Haigh and Hacikyan devices were used without a glass or plastic container, the devices would fail, as the inner surfaces of the Haigh and Hacikyan devices are intentionally permeable, to allow spilled material to flow into a containment layer. In contrast, material to be contained by the present invention, e.g., a liquid or liquid dispersion, can be poured directly into the present container and not prematurely permeate the inner casing, which is impermeable to fluid in its original state.

In view of the foregoing, Applicants believe that claims 1-20 present allowable subject matter and allowance is respectfully requested. If any impediment to the allowance of these claims remains after consideration of the above remarks, and such impediment could be removed during a telephone interview, the Examiner is invited to telephone David W. Collins at (520) 399-3203, so that such issues may be resolved as expeditiously as possible.

Please charge any additional fees except for Issue Fee or credit any overpayment to Deposit Account No. 08-2025.

Dated this 3 day of December 2003.

Respectfully submitted,



Gary P. Qakeson
Attorney for Applicant
Registration No. 44,266

Of:

THORPE NORTH & WESTERN, LLP
8180 South 700 East, Suite 200
Sandy, Utah 84070
(801) 566-6633

On Behalf Of:
HEWLETT-PACKARD COMPANY
1000 NE Circle Blvd., m/s 422B
Corvallis, OR 97330-4239
(541) 715-0159